



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **October 19, 2006**

TO: **Mayor and Members of the City Council**

FROM: **Robert Paternoster, Community Development Director**

THROUGH: **Amy Chan, City Manager** *[Signature]*

RE: **Opportunity for Council to appeal decisions of the Planning Commission of October 9, 2006 and the Administrative Hearing of October 11, 2006.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

If you have any questions, please contact Trudi Ryan, the City's Planning Officer at (408) 730-7435.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
October 9, 2006
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

Meeting called to order.

- 1. Undergrounding of Utilities Study Issue AM (25 minutes)**
- 2. 2006-0757 – Fukui Construction [Applicant] Bautista Justin S Trustee & Et Al [Owner]:** Application for related proposals on an 8,886 square foot site located on **102 Cumulus Avenue** (near Sunnyvale-Saratoga Road) in an R-0 (Low Density Residential) Zoning District. (APN: 211-19-002) SL (25 minutes)
- 3. Comments from the Chair (5 minutes)**

Meeting adjourned at 7:50 p.m.

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Klein presiding.

ROLL CALL

Members Present: Chair Larry Klein; Vice Chair Brandon Sulser; Commissioner Laura Babcock; Commissioner Darab Ghaffary; Commissioner Charles Hungerford; Commissioner Harriet Rowe; and Commissioner David Simons.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; Ryan Kuchenig, Associate Planner; Jamie McLeod, Associate Planner; and Debbie Gorman, Recording Secretary

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of September 25, 2006.

ACTION: Comm. Ghaffary made a motion to approve the minutes of the Planning Commission meeting of September 25, 2006 with modifications. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2006-0328 - T Mobile [Appellant] Sunnyvale Park IV LLC et al [Owner]** Appeal of a decision by the Administrative Hearing Officer denying six roof mounted antennas and approving an alternative tree pole with six antennas with ancillary ground equipment on a 30,450 square foot site. The property is located at (near N Mathilda Ave) in an M-S/PD (Industrial & Service/Planned Development) Zoning District. (APN: 165-26-018) AM (**Applicant/Appellant requests continuance to November 27, 2006**)

Trudi Ryan, Planning Officer, said the appellant has requested continuance of this item to November 27, 2006 to allow more time to look at design alternatives. She said staff has no objection to this item being moved to this date.

ACTION: Comm. Rowe made a motion on 2006-0328 to continue the item to the November 27, 2006 Planning Commission meeting. Vice Chair Sulser seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This item is continued to the November 27, 2006 meeting.

2. **2006-0881 – Application for a Special Development Permit to allow a two-story 259 square foot addition to an existing two-story Bahl Patio Home for a total of 2,084 square feet.** The property is located at **516 Fern Ridge Court** (near Yukon Drive) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 323-31-012) RK (**Applicant requests continuance to November 13, 2006**)

Trudi Ryan, Planning Officer, said the applicant has requested continuance of this item to November 27, 2006 rather than November 13, 2006 as indicated on the agenda. She said staff has no objection to this item being moved to this date.

ACTION: Vice Chair Sulser made a motion on 2006-0881 to continue the item to the November 27, 2006 Planning Commission meeting. Comm. Ghaffary seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This item is continued to the November 27, 2006 meeting.

3. **2006-0752 – Samuel Arthur [Applicant] William J and Myong N Ferguson Trustee [Owner]:** Application for related proposals on a 12,060 square foot site located on **1280 Poplar Avenue** (near E El Camino Real) in an R-2/PD (Low Medium Density Residential/Planned Development) Zoning District. (APN: 213-44-045) JMC

- **Rezone** from R-2 (Low Medium Density Residential) to R-2/PD (Low Medium Density Residential) Zoning District,
- **Special Development Permit** to divide an existing triplex into three attached homes,
- **Parcel Map** to subdivide one lot into three lots.

ACTION: Comm. Babcock made a motion on 2006-0752 to introduce an Ordinance to Rezone 1280 Poplar Avenue from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with attached conditions and in accordance with staff recommendations with modifications: to add a Condition of Approval (COA) 1.E.3 to include a deviation for setbacks to the front yards and side yards; to add a COA 3.C to include the improvements to the fence without affecting the existing trees; and to remove the reference to homeowners association in COA 2.B. Vice Chair Sulser seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded on and heard by the City Council on October 24, 2006.

4. **2006-0894 – Classic Communities [Applicant] Batton Associates, LLC:** Plan Review for a 1.3-acre site to allow modification to an approved SDP (#2006-0153) related to deck size and open space requirements. The property is located at **1049 Kiel Court** (near Weddell Dr) in an M-S/ITR/R-3 (Industrial & Service/Industrial to Residential/Medium Density Residential) Zoning District. (APN:110-14-144) JMC

ACTION: Comm. Simons made a motion on 2006-0894 to approve the Plan Review modification as proposed. Comm. Babcock seconded. Motion carried, 7-0.

APPEAL OPTIONS: This decision is final unless appealed to the City Council no later than October 24, 2006.

5. **2006-0876 – City of Sunnyvale Study Issue** to examine the rezoning of specific Industrial and Service (M-S) Zoned Sites to Industrial and Service/Places of Assembly (**M-S/POA**) RK

Chair Klein recused himself from considering this agenda item as he said his place of employment is located on one of the properties being reviewed tonight that could be part of a rezoning. Chair Klein left the Council Chambers and **Vice Chair Sulser** presided over the item.

ACTION: Comm. Babcock made a motion on 2006-0876 to affirm the negative declaration, introduce the ordinance in Attachment E to rezone properties to MS/POA as recommended by staff with the following modifications: to remove from Area C, sites 1, 2 and 3, and recommend that Council adopt a policy limiting the POA usage allowance to no greater than 50% of an area. Comm. Simons seconded. Motion carried unanimously, 6-0-1, Chair Klein recusing himself.

APPEAL OPTIONS: This recommendation will be forwarded on and heard by the City Council on October 24, 2006.

Chair Klein returned to the meeting and resumed presiding as Chair.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, said on September 26, 2006 the Council considered an appeal on Ashbourne Drive, which was a reduction in the reducible front yard. She said the Council upheld the decision of the Planning Commission to deny the variance. She said she thinks it was a difficult decision for the Council as the applicant was requesting to incorporate an accessible bathroom on the property. The Council directed staff to include a potential study issue to look at whether the City should have a different program for accommodation situations. Ms. Ryan said that at the same meeting the Council considered a rezoning, a Special Development Permit and a Tentative Map for property at 574 Bobolink Circle which was a subdivision of a property into four lots. She said the Council denied the request with concern that the subdivision had too many lots for the site and neighborhood. She said that staff has been contacted by the owner who is exploring different designs for subdividing the property into three lots.

Other Staff Oral Report

Ms. Ryan introduced **Noren Caliva**, Assistant Planner, who recently joined the Planning Division. Ms. Ryan said Ms. Caliva previously worked part-time in several neighboring communities and that the Planning Division is very pleased to have her as part of our full-time staff.

INFORMATION ONLY ITEMS

Ms. Ryan announced that there would be a Community Visioning Festival on October 28, 2006 from 9 a.m. to 2 p.m. at the Community Center. She said there would be informational booths from a variety of departments from 9 to 10 a.m. and that the visioning exercises would begin at 10 a.m. in the ballroom. Ms. Ryan said a booklet regarding the event has been provided to the Commissioners and that members of the community can view the booklet on line on the City website. She encouraged the Planning Commissioners to look through the document and attend, and noted that if they participate it should be as individuals. She said the Commission might prefer to attend and listen to the Community input. Ms. Ryan said she believes this is the first visioning festival of this magnitude that has ever occurred in Sunnyvale. She said there will be a number of issues covered and a lot of effort has been made to reach many different groups to attend and participate. She said the visioning exercises will occur from 10 a.m. to 12 p.m. and then the meeting will break for lunch, ending around 1:30 or 2 p.m.

Comm. Rowe said she participated, as an individual, in one of the neighborhood outreach programs for the Festival this past Saturday as she knew she would not be able to attend the Festival. She said she thought the exercises were interesting and encouraged others to participate.

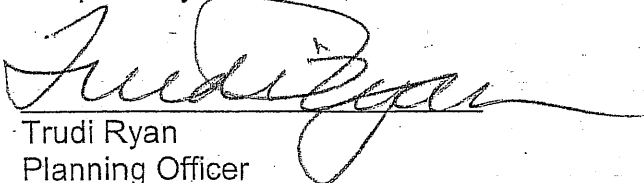
Comm. Hungerford announced that the sixth annual fundraising dinner for Sunnyvale School District is taking place on October 12, 2006 from 6 to 9 p.m. in the Del Monte building in downtown Sunnyvale. He said it is a ticketed event and the proceeds will go to benefit the elementary and middle schools. He said the best way to get tickets is to call the Sunnyvale School District Education Foundation at (408) 522-8200 or send an e-mail to: board@sesd.org. He said this should be a fun event and the proceeds are going to a good cause.

ADJOURNMENT

ADJOURNMENT TO STUDY SESSION

With no further business, the Commission meeting was adjourned 10:35 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY Wednesday, October 11, 2006

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

2006-0893 – Application for a Use Permit on a 6,300 square foot site to allow a nine-foot high rear yard fence. The property is located at **782 Ramona Avenue** (near Lynn Way) in an R-0 (Low-Density Residential) Zoning District. (APN: 198-28-028) JMC

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, October 26, 2006.

2006-0845 – Twin Creeks Sports Complex [Applicant] **County of Santa Clara** [Owner]: Application for a Use Permit on a 15-acre site to allow an expansion of beer, wine, and liquor service throughout the site. The property is located at **969 Carribean Drive** (near Moffett Park Drive) in a P-F (Public Facility) Zoning District. (APN: 110-39-001) SL

ACTION: Taken under advisement until Wednesday, October 19, 2006.

APPEAL OPTIONS: May be appealed to the Planning Commission up to 15 days following a decision. (Estimated on Thursday, November 2, 2006 if decision is made on Wednesday, October 18, 2006).